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असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 27th July, 2016:—

BILL NO. 185 OF 2016

A Bill to amend the Lokpal and Lokayuktas Act, 2013.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Lokpal and Lokayuktas (Amendment) Act, 2016.

Short title
and
commencement.

(2) It shall be deemed to have come into force on the 16th day of January, 2014.

2. On and from the date of commencement of the Lokpal and Lokayuktas Act, 2013 (hereinafter referred to as the principal Act), for section 44, the following section shall be substituted, and shall be deemed to have been substituted, namely:—

Amendment
of section 44.

"44. On and from the date of commencement of this Act, every public servant shall make a declaration of his assets and liabilities in such form and manner as may be prescribed."

Declaration of
assets.

Amendment of
section 59.

3. On and from the date of commencement of the principal Act, in section 59, in sub-section (2), for clause (k), the following clause shall be substituted, and shall be deemed to have been substituted, namely:—

"(k) the form and manner of declaration of assets and liabilities by public servants under section 44:

Provided that the rules may be made under this clause retrospectively from the date on which the provisions of this Act came into force;".

STATEMENT OF OBJECTS AND REASONS

The Lokpal and Lokayuktas Act, 2013 (1 of 2014), was enacted and brought into force with effect from 16th January, 2014.

2. A Bill, namely, the Lokpal and Lokayuktas and other related law (Amendment) Bill, 2014 was introduced in Lok Sabha, *inter alia*, to streamline and harmonise the provisions relating to furnishing of information on assets and liabilities by public servants under section 44 of the said Act with the applicable Acts, rules and regulations. The said Bill was referred to the Department Related Parliamentary Standing Committee which submitted its report on 7th December, 2015. The Standing Committee has given some recommendations.

3. However, keeping in view the concerns expressed by different categories of public servants and in line with one of the recommendations of the Standing Committee, a need has been felt to amend section 44, with a consequential amendment, so as to provide that on and from the commencement of the said Act, every public servant shall make declaration of his assets and liabilities in such form and manner as may be prescribed.

4. In view of the aforesaid, it is now proposed to introduce a new Bill, namely, the Lokpal and Lokayuktas (Amendment) Bill, 2016 to provide for substitution of section 44 with effect from the date of the commencement of the said Act.

5. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 26th July, 2016.

DR. JITENDRA SINGH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to substitute clause (k) of sub-section (2) of section 59 of the Lokpal and Lokayuktas Act, 2013, so as to empower the Central Government to make rules for the purpose of prescribing the form and manner in which declaration of assets and liabilities is to be made by public servant under section 44. The proviso to the said clause (k) empowers the Central Government to make rules with retrospective effect.

2. The matters in respect of which rules may be made under the proposed amendments are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANOOP MISHRA
Secretary General